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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,424	10/11/2005	Karl Jones	UDL0171PUSA	2670
22045 7590 05/26/2009 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075				
EXAMINER				
BRADFORD, CANDACE L				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
05/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,424

Applicant(s)

JONES ET AL.

Examiner

CANDACE L. BRADFORD

Art Unit

3634

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-15,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-15,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 5 is objected to because of the following informalities: A "fail" arrest system is claimed. The examiner believes this is a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

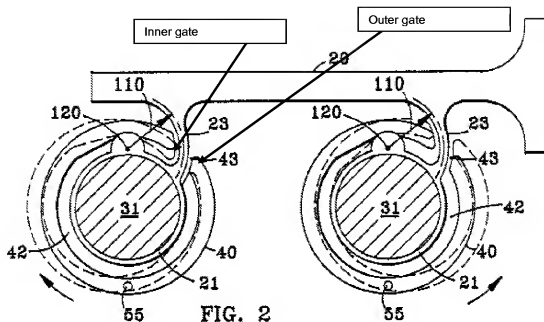
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a traveller for a fall arrest system comprising a body, as best seen in Figure 2, having a passage 42, therethrough, a slot, 43 narrower than the passage and that links the passage to the exterior of the body, the body including a load member 55, suitable to attach the traveller to fall safety equipment, the body including an inner gate extending inwardly relative to the passage and the body also including an outer gate extending outwardly relative to the passage, the inner gate and outer gate having respective opposed convex surfaces defining the slot between them, and the traveller being arranged such that when the traveller is mounted on a support the inner gate and outer gate lie on a common radius of respective concentric circles about the

Art Unit: 3634

support.



Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a support for a safety line in a fall arrest system comprising a support section 21, suitable for retaining a safety line 31, and attachment means for attaching the support to a structure, as best seen in Figure 8, an arm that connects the support section and the attachment means, the arm having a tangential section narrower than the safety line and extending substantially tangentially relative to a safety line retained in the support section, as best seen in Figures 2.

Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line at least one

support and a traveler, as best seen in Figures 2, in which the support comprises a support section retaining the safety line 31, and an attachment means for attaching the support to a structure, as best seen in Figure 8 ,the support having an arm that connects the support section and attachment means, the arm 23, having a straight tangential section narrower than the safety line and extending substantially tangentially relative to the safety line, the traveller including a body having a passage 42, therethrough, and also having a slot 43, that is narrower than the safety line and that links the passage to the exterior of the body, a load member 55, suitable to attach the traveller to fall safety equipment, body including an inner gate that extends inwardly within respect to the passage and the body also including an outer gate extending outwardly with respect to the passage, the inner gate and the outer gate having respective convex opposed surfaces defining the slot between them, and the inner gate and outer gate being arranged such that when the traveller is mounted on the support with the support within the passage of the traveler body the straight tangential section of the arm can pass through the slot, as best seen in Figure 3b.

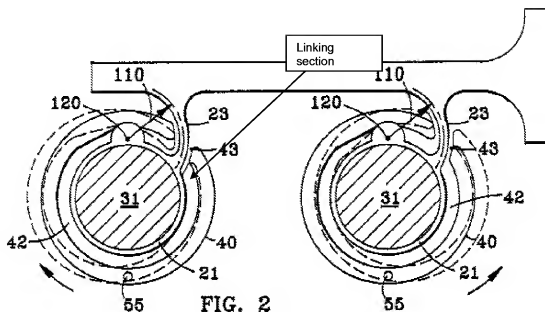
Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system as claimed in claim 3, in which the traveller is arranged so that when the traveller is mounted on the support the inner gate and outer gate lie on a common radius of respective concentric circles about the safety line, as best seen in Figures 3a-3c.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the support section 21, is a cylindrical tube.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section is spaced from the support section 21, as best seen in Figure 3b.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section is a flat plate, best seen in Figure 3b.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system according to any one of claim 2, in which the tangential section and the support section are connected by a linking section



, the linking section extending in a direction having a radial component relative to said safety line.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a support according to claim 9, in which the attachment means, the straight tangential section and support section are integrally formed from a single plate, best seen in Figure 3b.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a fall arrest system comprising a safety line, at least one support and a traveler 40, in which the support comprises a support section, retaining the safety line and an attachment means 20, for attaching the support to a structure, an arm 23, that connects the support section and attachment means and that has a straight

section narrower than the safety line and extending substantially tangentially relative to the safety line, and the traveler including a body having a passage 42, therethrough, the body having a slot 43, narrower than the safety line and linking the passage to the exterior of the body and the body also having a load member 55, suitable to attach the traveller to fall safety equipment, the slot being formed between an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner gate and the outer gate having respective opposed convex surfaces defining the slot between them, the inner gate and outer gate each extending for a distance along a respective concentric circles of different radii, and being arranged such that when the traveler is mounted on the support within the passage the arm can pass through the slot, as best seen in Figure 2.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Noles (5979599). Noles discloses a traveler for a fall arrest system comprising, a body having a passage 42, therethrough, the body having a slot 43, narrower than the passage linking the passage to the exterior of the body, and the body having a load member 55, suitable to attach the traveler to the fall safety equipment, the body including an inner gate extending inwardly relative to the passage and an outer gate extending outwardly relative to the passage, the inner and outer gate having opposed convex surfaces defining the slot, and the traveller being arranged such that the inner gate and the outer gate each extend to lie on respective concentric circles of different radii, as best seen in Figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles discloses an a traveler according to claim 1, in which the traveller has a wheel 35, but fails to disclose a traveler with multiple wheels arranged in tandem so that the traveller can be mounted on the wheels on a safety line passing through the passage. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more stability and control

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 11, in which the load member 55, is located below and between said wheels 35 when the traveller is mounted on the wheels on a safety line 32, as best seen in Figure 6. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have multiple wheels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, and multiple wheels would obviously provide more

stability and control. If there were two wheels , then inevitably the load member would be located between the wheels when the traveler is mounted on the wheels on the safety line.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 12, in which the load member 55, is a closed aperture passing through the body.

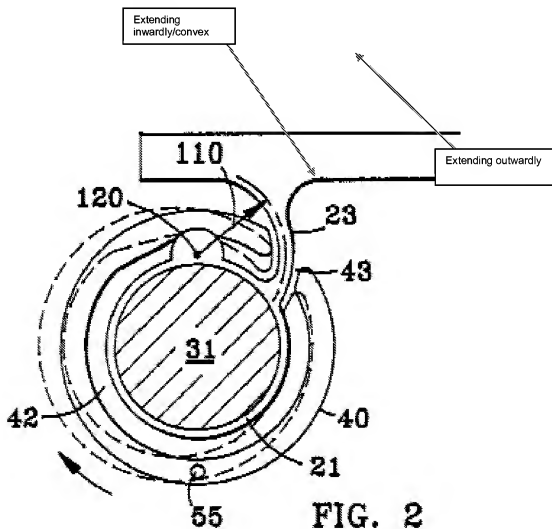
Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 13, in which the wheels 35 are arranged for rotation about respective parallel axes, and the aperture has a flat lower surface extending parallel to a plane in which said axes lie, as best seen in Figure 3b. If there were two wheels , then inevitably they would be located to rotate about parallel axes, or else the invention would not work.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noles (5979599). Noles further discloses a traveler according to claim 14, in which said axes are symmetrically arranged about a longitudinal centre line of the traveller and said lower surface lies on said centre line, as best seen in Figure 3b.

Response to Arguments

Applicant's arguments filed 2/2/09 have been fully considered but they are not persuasive. The applicant's attention is drawn to page 7 of the remarks. The applicant states the Noles reference does not extend inwardly with respect to its passage with the recited inner gate of the traveler. The examiner would like to note Figure 2 (shown

below), shows track traveling element 40, with an inner gate extending inwardly and an outer gate extending outwardly, as claimed. The applicant's attention is drawn to page 8 of the remarks. The applicant states the Noles reference does not show inner and outer gate with opposed convex surface. This clearly shown in Figure 2, in which Noles shows the range of angular relationships, the end portions/inner and outer gates 40, clearly extending inwardly and outwardly respectively.



Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDACE L. BRADFORD whose telephone number is (571)272-8967. The examiner can normally be reached on 9am until 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on (571) 272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer H Gay/
Supervisory Patent Examiner, Art Unit 3676

Candace L. Bradford
Patent Examiner
Art Unit 3634
May 12, 2009